THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9163 OF 2007

DATED 27.04.2007

BETWEEN

J.V.Suryanarayana and others.

… Petitioners

AND

The Mandal Revenue Officer, Mangalari, Guntur District
and others.

… Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9163 OF 2007

ORDER:

The petitioners who are fourteen (14) in number filed the present writ

petition seeking a writ of Mandamus declaring the action of respondents in highhandedly dispossessing petitioners 1 to 13 from house sites bearing plot Nos.107, 18, 27, 111, 191, 3, 16, 17, 149, 100, 101, 32, 23, 26, 31, 63, 58, 7 and 8 located in D.No.134 in Suryanarayana Nagar of Mangalagiri and petitioner No.14 from agricultural land comprised in D.No.134 as illegal, arbitrary and unconstitutional.

The writ petition is filed making the following allegations. That the petitioners purchased the house sites mentioned hereinabove under registered sale deeds and petitioner No.14, purchased Acs.0.56 for the purpose of agriculture under registered sale deed. However, all of a sudden, first respondent is trying to evict them by use of force without giving any notice and without due process of law. Learned counsel for petitioner has reiterated the submissions, which are noticed hereinabove.

Learned Assistant Government Pleader for Revenue opposed the writ petition contending that the writ petition is filed on making vague allegations and without any proper cause of action on mere apprehension.

In the affidavit filed on behalf of the petitioners, a vague allegation is made that the Mandal Revenue Officer (MRO) is trying to dispossess the petitioners without issuing any notice. If there is any grievance on this score, nothing prevents the petitioners to approach the MRO and show that they purchased the lands. It is needless to mention that in case petitioners purchased the land, which is Government land, the remedy of the MRO is to initiate action under A.P.Land Encroachment Act, 1905, if the petitioners are in possession of the land. If the petitioners are not in possession of the land, question of issuing notice and question of evicting the petitioners does not arise. The writ petition, as rightly urged by learned Assistant Government Pleader, is filed on mere apprehension.

The writ petition is therefore dismissed. No costs.

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(V.V.S.RAO,J)

27.04.2007.
pln